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2 Nevada State Bar No. 505

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9 **Attorney for Plaintiff**

10 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

11 CINDY LOU PETERSON,

12 Plaintiff,

13 Case No. 2:13-cv-00386-RFB-CWH

14 vs.

15 STIPULATED MOTION FOR EAJA
16 FEES AND COSTS

17 CAROLYN W. COLVIN,
18 ACTING COMMISSIONER of
Social Security,

19 Defendant.

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned
21 counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the
22 amount of FIVE THOUSAND TWO HUNDRED DOLLARS (\$5200.00) under the Equal
Access to Justice Act (EAJA), 28 U.S.C. § 2412(d); and costs in the amount of FOUR
23 HUNDRED DOLLARS (\$400.00) under 28 U.S.C. § 2412(a)(1) and 28 U.S.C. § 1920. This
24 amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel
25 in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d), 1920.

26 To satisfy the requirements of the Equal Access to Justice Act, Plaintiff alleges that the
27 position of Defendant was not substantially justified, that Plaintiff had a net worth of less than
28 two million dollars at the time this civil action was filed, that Plaintiff's attorneys have expended

1 at least 38 hours in connection with this matter, and that the applicable EAJA hourly rate, as
2 adjusted for inflation, is \$190.06 (2014 rate, based on the 9th Circuit Memorandum).

3 After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider
4 any assignment of EAJA fees to Richard Harris, Esq. Pursuant to *Astrue v. Ratliff*, 130 S.Ct.
5 2521, 2252-2253 (2010), the ability to honor any such assignment will depend on whether the
6 fees are subject to any offset allowed under the United States Department of the Treasury's
7 Offset Program. After the order for EAJA fees is entered, the Defendant will determine whether
8 they are subject to any offset.

9 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
10 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees
11 to be made directly to Richard Harris, Esq., pursuant to any assignment executed by Plaintiff.
12 Any payments made shall be delivered to Richard Harris, Esq.

13 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
14 attorney fees and does not constitute an admission of liability on the part of Defendant.
15

16 DATED this 2nd day of February, 2015.

DATED this 2nd day of February, 2015.

17
18 /s/ Richard A. Harris
19 **RICHARD A. HARRIS, ESQ.**
20 Richard Harris Law Firm
21 801 S Fourth Street
22 Las Vegas NV 89101
23 **Attorney for Plaintiff**

24
25 /s/ Heather Moss
26 (signed per email authorization)
27 **HEATHER MOSS, ESQ.**
28 Special Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco CA 94105
Of Attorneys for Defendant

23 IT IS SO ORDERED:



24
25 RICHARD F. BOULWARE, II
26 United States District Judge
27
28

DATED this 27th day of August, 2015.